

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ALLAN SANKEY,

Civil No. 06-321 (JRT/RLE)

Petitioner,

vs.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

R.L. MORRISON, WARDEN,
Federal Bureau of Prisons,

Respondent.

Allan Sankey, #05728-090, Duluth FPC, P.O. Box 1000, Duluth, Minnesota 55814, *pro se* plaintiff.

James E. Lackner, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 300 S. 4th St., Suite 600, Minneapolis, Minnesota 55415, for respondent.

Based upon the Report and Recommendation of United States Chief Magistrate Judge Raymond L. Erickson, and after an independent review of the files and records in this case, and on the fact that no objections have been filed to the Report and Recommendation, **IT IS HEREBY ORDERED** that:

1. That the Petition for a Writ of Habeas Corpus, pursuant to Title 28 U.S.C. §2241 [Docket No. 1] is **GRANTED**.

2. That the Respondent is directed to reconsider the date when Petitioner should be assigned to a CCC, in light of the criteria set forth in Title 18 U.S.C. § 3621(b) and without regard to 28 C.F.R. §§ 570.20 and 21.

DATED: May 15, 2006
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge